

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL GARRISON,

Plaintiff,

CIVIL ACTION NO. 06-CV-13258-DT

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

BETH DAVIS, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

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OPINION AND ORDER
GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT

This matter comes before the Court on Plaintiff's Motion to Amend Complaint filed on February 11, 2008. (Docket no. 24). No Defendants have yet made an appearance in this matter. Therefore there is no response to this motion. This action has been referred to the undersigned for decision on all pre-trial matters. (Docket no. 26). The Court dispenses with oral argument on this motion. E.D. Mich. LR 7.1(e). This motion is now ready for ruling.

Plaintiff, a Michigan prisoner, wishes to amend his Complaint in this matter to add RUM Culberson as a defendant pursuant to Fed. R. Civ. P. 15(a). (Docket no. 24). Rule 15(a) provides that a party may amend its pleading once as a matter of course prior to service of a responsive pleading or within twenty days of serving its pleading if no responsive pleading is required. Fed. R. Civ. P. 15(a). Leave to amend is to be freely given when justice so requires. (*Id.*). The decision whether to permit amendment is committed to the discretion of the trial court. *Lucas v. Schneider Nat'l Carriers, Inc.*, 953 F.2d 644 (6th Cir. 1992) (unpublished).

No responsive pleading has been served in this action. Therefore, Plaintiff may amend his Complaint. Plaintiff will be given a deadline for filing his Amended Complaint. A copy of the

Amended Complaint should have been but was not submitted along with the motion. Plaintiff is warned that he should not restate claims or include defendants that have already been dismissed by Judge Edmunds. The Complaint should be a short and plain statement of the claims. Fed. R. Civ. P. 8(a).

IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend Complaint (docket no. 24) is **GRANTED**. Plaintiff shall file his Amended Complaint on or before March 14, 2008.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 06, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Michael Garrison and Counsel of Record on this date.

Dated: March 06, 2008

s/ Lisa C. Bartlett
Courtroom Deputy